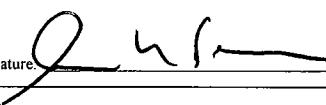


## CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: January 23, 2009

Name: Amir N. Penn (Reg. No. 40,767)

Signature: 

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Kenji Ishii

Appln. No.: 10/772,223

Filed: February 3, 2004

For: APPARATUS AND A METHOD FOR  
OPTIMIZING NETWORK RESOURCES  
EMPLOYED IN DATA COMMUNICATION

Attorney Docket No: 9683/165

Examiner: Baturay, Alicia

Art Unit: 2155

Confirmation No. 2202

## TRANSMITTAL

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

## Attached is/are:

Transmittal (1 pg); Response to Final Office Action mailed September 23, 2008 (12 pgs); Request for Continued Examination (RCE) (2 pgs); Petition and Fee for Extension of Time (2 pgs)

## Fee calculation:

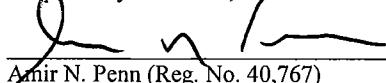
No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$130.00 for a one-month extension of time under 37 CFR § 1.136(a).  
 A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_\_\_).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity			Not a Small Entity	
					Rate	Add'l Fee	OR	Rate	Add'l Fee
Total	14	Minus	20	0	x \$26=			x \$52=	\$
Indep.	4	Minus	4	0	x 110=			x \$220=	
First Presentation of Multiple Dep. Claim					+\$195=			+\$390=	
					Total	\$		Total	\$

## Fee payment:

Please charge Deposit Account No. 23-1925 in the amount of \$940 (810 + 130) for Request for Continued Examination (RCE) and one-month extension of time.  
 Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,



Amir N. Penn (Reg. No. 40,767)

January 23, 2009

Date